

July 16, 1998

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON APPEALS OF  
SHORT PLAT DECISION AND SEPA THRESHOLD DETERMINATION**

**SUBJECT:** Department of Development and  
Environmental Services File Nos. **L95S0044-2/E95E0187**

**EASTGATE SENIOR HOUSING**  
Appeals of Short Plat Decision and  
Appeal of SEPA Threshold Determination

**Location:** North side of SE Newport Way at 154th Avenue SE (if extended)

**Owner:** Eastgate Congregational Church  
15406 Southeast Newport Way  
Bellevue, WA 98004

**Applicant:** Shelter Resources, **Les Brannen**, President  
1200 – 112<sup>th</sup> Avenue NE, Bellevue, WA 98004  
Fax (425) 455-8546

**Appellants:** Residents Opposed to Arbitrary Rezones (ROAR)  
*Represented by* **Mary O'Farrell**  
23708 NE 70<sup>th</sup> Street, Redmond, WA 98053-7918  
Phone (425) 836-2743 Fax (425) 836-2743

Alvin Keller, et al,  
*Represented by* **Anthony Keller**  
15417 SE 42<sup>nd</sup> Street  
Bellevue, WA 98006

**Department  
Representative:** **Barbara Heavey**, DDES  
Land Use Services Division, Current Planning  
900 Oakesdale Avenue SW, Renton, WA 98055-1219  
Phone (206) 296-7222 Fax (206) 296-7051

SUMMARY OF RECOMMENDATIONS:

Appeal of Threshold Determination:

Department's Preliminary:	Deny the appeal
Department's Final:	Deny the appeal
Examiner:	Deny the appeal, subject to condition

Preliminary Short Subdivision Appeals:

Department's Preliminary:	Deny the appeals
Department's Final:	Deny the appeals
Examiner:	Deny the appeals; subject to conditions

PRELIMINARY MATTERS:

Application submitted:	July 17, 1995
Application revised:	May 28, 1997
SEPA MDNS issued:	March 17, 1998
Notice of appeal received by Examiner:	April 2, 1998
Statement of appeal received by Examiner:	April 2, 1998
Short plat preliminary approval:	May 1, 1998
Notice and statement of short plat appeal (ROAR) received by Examiner:	May 13, 1998
Notice and statement of short plat appeal (Keller) received by Examiner:	May 13, 1998

EXAMINER PROCEEDINGS:

Pre-Hearing Conference:	April 16, 1998
Motion to dismiss appeal:	June 2, 1998
Hearing Opened:	June 4, 1998
Hearing Closed:	June 29, 1998

On April 16, 1998, the parties agreed that the hearing on the SEPA appeal should be deferred pending issuance by DDES of a decision on the application for short plat approval.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Surface water drainage
- Sensitive area protection
- Stream protection standard
- Windthrow

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

1. General Information:

Owner:	Eastgate Congregational Church 15406 Southeast Newport Way Bellevue, WA 98004
Applicant:	Shelter Resources, <b>Les Brannen</b> , President 1200 – 112 <sup>th</sup> Avenue NE Bellevue, WA 98004
Applicant's Representative:	James R. Sikkell Appropriate Design 218 26 <sup>th</sup> Avenue East Seattle, WA 98112
Appellants' Representatives:	Residents Opposed to Arbitrary Rezones (ROAR) <i>Represented by</i> <b>Mary O'Farrell</b> 23708 NE 70 <sup>th</sup> Street, Redmond, WA 98053-7918 Phone (425) 836-2743 Fax (425) 836-2743  Alvin Keller, et al, <i>Represented by</i> <b>Anthony Keller</b> 15417 SE 42 <sup>nd</sup> Street Bellevue, WA 98006
Location:	North side of Southeast Newport Way at 154th Avenue Southeast (if extended)
STR:	SE/NW 14-24-05
Zoning:	R-6 (Urban Residential - 6 du/ac); R-24P (Urban Residential - 24 du/ac with development conditions)
Acreage:	4.44 acres
Number of Lots:	2
Proposed Use:	Senior housing in multifamily units (R-24P) and the continued use of an existing church facility (R-6)

Sewage Disposal: Public - City of Bellevue  
Water Supply: Public - City of Bellevue  
Application Date: July 17, 1995

2. Eastgate Senior Housing Associates has submitted applications for a short subdivision of 4.44 acres into two lots, and for a commercial building permit to construct a senior housing apartment complex at 15406 Southeast Newport Way. The application for a short subdivision was submitted on July 17, 1995. Three lots were proposed initially; the Applicant revised the proposal on May 28, 1997, to propose two lots with a sensitive areas tract and buffer on each lot. An environmental checklist for the current proposal was filed with the application for building permit on February 12, 1997.

A determination of environmental nonsignificance (DNS) was issued by the Department of Development and Environmental Services on June 17, 1997, and preliminary approval of the short subdivision, subject to conditions, was granted on July 11, 1997. Following a hearing by the Examiner on appeals of the DNS and short plat approval, those actions were remanded to DDES for further review and consideration. The record of the public hearing on those appeals was incorporated into the record of this proceeding.

On March 17, 1998, DDES issued a mitigated determination of nonsignificance ("MDNS") for this proposal. On May 1, 1998, DDES granted preliminary approval of the proposed short plat, subject to numerous conditions for final short plat approval.

3. An appeal of the MDNS was filed by Residents Opposed to Arbitrary Rezones ("ROAR"), and appeals of the short plat approval were filed by ROAR and Alvin M. Keller, on behalf of himself and other area residents. A prehearing conference on the ROAR MDNS appeal was conducted on April 16, 1998. Several of the issues raised by the Appellant ROAR were excluded at that time by the Hearing Examiner from further consideration in this proceeding. The issues excluded were traffic safety; the need for an onsite recreation area; and the proposed density of development (number of dwelling units) which could be permitted on the subject property. The rationale for exclusion of these issues is set forth in the prehearing order dated April 29, 1998.

The principal SEPA appeal issues which remained to be addressed at the hearing on the appeal of the MDNS were:

- A) surface water impacts from the proposed development, including impacts of onsite and downstream erosion, flooding, and phosphorous;
- B) Compliance with the September 26, 1997, Decision of the King County Hearing Examiner requiring a sensitive area study, or waiver thereof, of Vasa Creek (and its tributary at the southeast corner of the site) pursuant to KCC 21A.24.110.B.; and
- C) Requirements for sensitive area buffers.

4. The issues raised by the subsequent appeals of the short plat approval were:
- 1) Consistency of the proposed lot line with the reclassification of the subject property;
  - 2) The appropriate designation and ownership of sensitive areas;
  - 3) Adequacy of the sensitive area buffers to protect the steep slopes and streams;
  - 4) Adequacy of analysis of the stream (Vasa Creek);
  - 5) Compatibility of the proposed development with the site's numerous environmental constraints;
  - 6) Compatibility of the project's size, scope and impact with existing single family uses in the area; and
  - 7) The effect of the development on remaining trees in the area.

In addition, the Appellant Keller raised the issue of compliance of the proposed driveway with the King County Fire Code and regulations. The Hearing Examiner ruled at the opening of the hearing that the said issue is not appealable to the King County Hearing Examiner on an appeal of a preliminary short plat approval. Review of compliance of the proposed development with the Fire Code will occur during review of the application for a commercial building permit.

5. The 4.44 acres which is the subject of this application for short plat approval was reclassified in 1995 by Ordinance 11761. The reclassification designated the easterly 2.5 acres (more or less) of the subject property, lying east and south of the west fork of Vasa Creek, as RM-24-P. Segregation of the RM-24 portion of the property from the westerly portion, designated R-6, was required as a condition of the rezone.

Exhibit No. 15.B (dated April 27, 1998) represents the most recent submittal by the Applicant showing the delineation between proposed Lots 1 and 2. This delineation was made by a registered land surveyor in December, 1997. The lot line follows the bed of Vasa Creek through the subject property. No evidence was presented to indicate that the proposed lot line deviates from the current bed of Vasa Creek, which constitutes the line between the R-24 and R-6 zones, as established by Ordinance 11761. In the absence of the submission of any substantial evidence indicating deviation of the proposed lot line from the bed of Vasa Creek, the issue of location of the boundary between Lots 1 and 2 was dismissed by the Examiner at the close of the Appellant's case.

6. The subject property contains sensitive areas, as defined by KCC 21A.06.1065 and regulated by Chapter 21A.24 KCC. The sensitive areas on the site are Class 2 streams (without salmonids), and erosion, landslide and steep slope hazard areas. KCC 21A.24.110 requires an applicant for a development proposal which includes a sensitive area to submit a sensitive area special study to

adequately evaluate the proposal and all probable impacts. King County DDES has received from the applicant technical information and studies which DDES deems sufficient to meet the special study requirement.

Appellants have presented questions and some evidence of differences of opinion concerning portions of the technical information and conclusions drawn therefrom. In addition, they have referenced portions of the studies, and recommendations based thereon, which are in apparent conflict. However, although there are areas of disagreement, the information provided was sufficient for DDES to have determined that the applicant substantially complied with the requirement of KCC 21A.24.110 for submission of a sensitive area special study to adequately evaluate the proposal and all probable impacts.

7. KCC 21A.24.180 requires that sensitive area tracts be used to delineate and protect all streams and buffers within short subdivisions. Any required sensitive area tract shall be held in an undivided interest by each owner of a building lot within the development, or shall be held by an incorporated homeowners' association or other legal entity which assures the ownership, maintenance, and protection of the tract. The DDES senior ecologist and DDES geologist both testified that the stream and stream buffer, and the steep slope and its buffer, respectively, would be included within sensitive area tracts, as required by the sensitive area code.

Exhibit No. 22 shows revised buffer limits proposed by the Applicant for Lot 2. Final short plat approval will require establishment of a 50-foot buffer from the ordinary high water mark ("OHWM") of Vasa Creek on Lot 1 as well. The sensitive areas tract for the short subdivision can be enlarged to encompass the entire required buffer. Ownership of the sensitive areas tract by undivided interest or by a separate entity, consistent with KCC 21A.24.180B, can be provided.

8. The subject property is within the Urban Growth area established by the King County Comprehensive Plan. Within this area, compliance with development regulations (including the sensitive areas chapter of the King County Code) normally constitutes adequate mitigation of the impacts of new development. Substantive SEPA authority to condition development proposals shall be used in the urban growth area only in cases where specific adverse environmental impacts are not addressed by such regulations, or unusual circumstances exist.  
KCC 20.44.080.C.

The subject site is severely constrained by sensitive areas. Vasa Creek has suffered, and continues to suffer from substantial erosion and sedimentation. Immediately downstream of the subject property, sedimentation exceeding twenty (20) feet in depth has occurred. Annual dredging is required to prevent flooding and property damage. Upstream development has occurred without sufficient surface water runoff detention and discharge controls. Very high water velocity occurs frequently, resulting in significant water quality impacts within the creek and to Lake Sammamish during major storm events. Any additional peak flow could cause significant adverse impact downstream.

The evidence is sufficient to indicate that there are unusual circumstances relating to this

property which justify utilization of substantive SEPA authority to establish conditions on the proposed development more stringent than those required by applicable county regulations. It is clear from the evidence that existing regulations must be applied and implemented carefully and fully, with particular attention given to assuring that the capacity of Vasa Creek to carry surface water from the proposed development is in no way impeded. Best practices must be followed to maintain, to the extent possible, stability of the stream banks and adjacent steep slopes. The state-issued hydraulic project approval requires that surface water be detained and released in accordance with the stream protection standard described in Finding No. 11, below. Implementation of that standard is necessary to mitigate substantial adverse environmental impacts.

9. The proposed development of 51 multi-family dwelling units on Lot 2 is dependent upon stream buffer averaging and reduction of setbacks normally required from steep slopes, as authorized by KCC 21A.24.360B and 21A.24.310.A, respectively.

Buffer width averaging for streams is permitted if it will provide additional natural resource protection, as long as the total area contained in the buffer on the development site does not decrease. The Applicant's proposal for averaging of the stream buffer would allow for the construction of the storm water outfall ten (10) feet from the ordinary high water mark (OHWM), and the west entrance driveway area within 40 feet of the ordinary high water mark of Vasa Creek. The "makeup area" would be provided along the north half of the east property line, where a relatively flat area would connect the stream buffers for Vasa Creek, along the north property line, and for the unnamed tributary, along the south portion of the east property line. The make-up area would provide no substantial protection to either stream. However, the DDES senior ecologist testified that the makeup area would provide a substantial resource protection benefit by providing a corridor for wildlife (small mammals and birds) to travel between the two stream areas.

The reduction in wildlife use of this site has already been determined not to be a significant impact. On the other hand, erosion into the stream bed, increased run-off from the site, and diminution of water quality in Vasa Creek and Lake Sammamish, would be significant impacts if permitted to occur. The Appellants have a very reasonable concern that the proposed buffer averaging does not provide greater natural resource protection than the standard 50-foot buffer from a Class 2 stream would provide. But there is no substantial evidence that contradicts the expert testimony of the DDES ecologist that, in her judgment, connection of the buffer areas along Vasa Creek and its tributary provides the additional resource protection called for by the Sensitive Areas Chapter of the King County Code.

Reduction of the steep slope buffer to a minimum of 10 feet is permitted if, based on a special study, King County determines that the reduction will adequately protect the proposed development and the sensitive area. A special study to address stability of the onsite steep slopes was submitted by the Applicant to King County. The study was reviewed by the DDES staff geologist, who concurred that reduction of the buffer to a minimum of ten feet from the top of the steep slopes would adequately protect the proposed development and the sensitive area. The Appellants did not introduce evidence sufficient to convince the Examiner that the reduction of

the steep slope buffer to ten feet, as proposed, would not adequately protect the proposed development and the steep slopes on or adjacent to proposed Lot No. 2.

10. The evidence indicates that the proposed surface water discharge facility, to be located (10) feet south of the stream bed, provides the best available alternative for discharging surface water from the site, with the least erosive effects on the stream bank.

The west driveway area will be located ten (10) feet from the top of the steep slope, within 40 feet of the ordinary high water mark of Vasa Creek. The Applicant would prefer to not construct a drive in that area, but is required to do so because of traffic safety and fire access considerations.

The preponderance of the evidence indicates that the buffer reductions to enable construction of the storm water outfall and driveway, as currently proposed for Lot 2, are necessary to enable the proposed development to occur. The Appellant did not introduce sufficient evidence to show that there would be probable significance adverse impacts upon Vasa Creek as a result of these proposed buffer reductions.

11. King County has deferred its final review of drainage plans until resolution of these appeals. Stream protection measures are proposed by the Applicant, consistent with the State Department of Ecology's Streambank Protection Standard. This standard is intended to minimize downstream erosion impacts by reducing site runoff to less than that which occurs under existing conditions during more common storm events, and matching existing discharge rates for 10-year and 100-year storm events. This standard is now part of the Applicant's proposal and is critical to the mitigated determination of environmental non-significance.

Further study of mitigating measures to be taken to limit impacts of surface water runoff is warranted by the evidence, and would be consistent with the purposes of KCC 21A.24.010, particularly sections "B", "D", "E", and "J". All parties are aware of the substantial sedimentation occurring downstream from the subject property; it is the developer's responsibility to take all reasonable measures to assure that the downstream sedimentation problem is not exacerbated by transport of sediment from this site. In particular, additional study of the permeability of soils, and consideration of existing vegetation, within the area to be developed is necessary to determine the extent to which infiltration and transpiration concurrently limit runoff. Calculation of required detention volume and the allowable discharge rates requires that the existing surface water runoff from the site is not over-stated when calculations are made of the differential between pre and post development conditions.

12. Vasa Creek, as it flows towards the site from the south, has frequently over-topped Newport Way and re-entered the Creek on the Applicant's property, in the vicinity of the proposed lot line between Lots 1 and 2. Construction of road improvements required by King County in conjunction with this development will eliminate this current overflow route. The Applicant's engineer can address overflow concerns in the design of roadway improvements and on-site drainage facilities. The determination of the appropriate location and means for the conveyance through this property of offsite water entering the subject property from Newport Way during



failures of the existing culvert is necessary to avoid degradation of the steep slopes and stream, as well as damage to the property as developed..

13. Removal of trees from the site to allow for its development will expose trees remaining on the site and adjacent properties to wind forces in excess of those which they currently experience. This is likely to result in more rapid and additional blow-down of trees within the buffer area, which will likely increase erosion. Such events will be transient. There is no evidence that the additional blow-down will be a significant adverse impact upon the environment, or that additional blow-down will damage any adjacent or nearby properties.
14. There is no substantial evidence that the development, as currently proposed and mitigated, subject to the conditions imposed by DDES and the additional conditions set forth in this decision, will increase the incidence or extent of downstream flooding, or that flooding will occur on the subject property as a result of the proposed development.
15. There is no substantial evidence of significant adverse impact of the proposed development on adjacent residences or the adjacent road (Newport Way).

#### **CONCLUSIONS:**

1. Use of the stream protection standard, supported by appropriate studies and analysis as described above, is necessary to the mitigation of significant adverse impacts which would otherwise occur downstream from this proposed development.
2. King County's development regulations, as listed in KCC 20.44.080.C, will be applied to the review of the proposed development. However, unusual circumstances related to this site require application of the stream protection standard to adequately mitigate the impacts of the proposed development on the environment.
3. Final review of the buffer averaging proposed by the Applicant should specifically require analysis of the impacts, and all feasible mitigating measures to reduce those impacts, for reduction of the stream and steep slope buffers. Additional resource protection for water quality, stream protection, and protection of the integrity of the steep slopes should be emphasized.
4. Submission and review of engineering plans should address the collection, conveyance and discharge of surface water over-topping Newport Way during major storm events, and assure that it is carried across the subject property and re-enters Vasa Creek without damage to the proposed development, steep slopes or the creek banks.
5. The Appellants have not established by a preponderance of the evidence that the proposed development as mitigated, will have a probable significant adverse impact upon the environment.

**DECISION:**

The appeal by Residents Opposed to Arbitrary Rezones of the mitigated determination of nonsignificance, issued on March 17, 1998, is DENIED, subject to application of the stream protection standard supported by sufficient soil and vegetation study and analysis (see Finding 11).

The appeals by Residents Opposed to Arbitrary Rezones and Alvin M. Keller, et al., of the preliminary approval of short subdivision No. L95S0044 issued May 1, 1998, is DENIED, subject to the following conditions:

1. Development plans for construction on Lot 2 shall include special review of the proposed buffer averaging to assure that the maximum available buffers (not less than 10 feet) are maintained, and that the best available mitigation measures to protect the stream and reduce erosion are implemented in order to provide additional natural resource protection for Vasa Creek and Lake Sammamish.
2. The final short plat shall designate a Sensitive Area Tract, which encompasses the required buffer on both sides of Vasa Creek, and a Sensitive Areas Tract which encompasses the required buffer on the west side of the east tributary. These tracts may be joined, as approved by DDES, and shall include required steep slope buffers. Tract ownership consistent with KCC 21A.24.110 shall be designated by note on the final plat.
3. Engineering plans shall specifically address the collection, conveyance and discharge of surface water which may over-top Newport Way and travel onto the site during major storm events.

ORDERED this 16<sup>th</sup> day of July, 1998.

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James N. O'Connor  
King County Hearing Examiner

TRANSMITTED this 16<sup>th</sup> day of July, 1998, to the parties and interested persons named on the attached list.

**NOTICE OF RIGHT TO APPEAL**

The action of the hearing examiner on this matter shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the issuance of this decision.

MINUTES OF THE JUNE 4 AND JUNE 29, 1998, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NOS. L95S0044-2 AND E95E0187 – EASTGATE SENIOR HOUSING:

James N. O'Connor was the Hearing Examiner in this matter. Participating at the hearing were James Sikkell, Mary O'Farrell, Anthony Keller, Richard Tomkins, Gerry Lakin, James Finley, Larry Burnstad, Len Brannen, Susan Perkins, Laura Casey, Barbara Heavey, Larry West, Dan Douglas, Willis Mansfield, and Dave Sandstrom.

On **June 4, 1998** the following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Department of Development and Environmental Services, Land Use Services Division, report to the Hearing Examiner, prepared for the June 4, 1998 public hearing
- Exhibit No. 2 Withdrawal of Determination of Nonsignificance and issuance of Mitigated Determination of Nonsignificance for Eastgate Senior Housing, file no. E95E0187, issued March 17, 1998
- Exhibit No. 3 Preliminary Approval, short subdivision file no L95S0044 (Eastgate Congregational Church short plat), dated May 1, 1998, with the following attachments:
- Attachment 1 Revised Short Plat, received January 12, 1998
- Attachment 2 Memo, from Laura Casey to David Sandstrom, dated November 10, 1997, with the following attachments:
- Regulatory Review Committee minutes, October 24, 1997
  - Fax Transmittal from James Sikkell, to Laura Casey, dated November 5, 1997
  - Memo, from Laura Casey, to David Sandstrom, Dated January 5, 1998
  - Regulatory Review Committee minutes, November 21, 1997
- Attachment 3 Memo, from Larry West to Dave Sandstrom, dated February 23, 1998 with the following attachments:
- Fax transmittal from James R. Sikkell to Larry West, dated February 4, 1998
  - Memo, from Larry Burnstad to Larry West, dated February 16, 1998
  - Letter, from James R. Finley to James Sikkell, dated January 9, 1998
- Exhibit No. 4 ROAR Appeal statement of MDNS for Eastgate Senior Housing, received April 1, 1998
- Exhibit No. 5 ROAR Appeal Statement of Short Subdivision, received May 11, 1998
- Exhibit No. 6 Pacific Engineering Design, Inc. Technical Information Report Eastgate Senior Housing.

February 10, 1997

- Exhibit No. 7 Wilson and Associates, Core Requirement No.2 Off-site Analysis, May 10, 1995
- Exhibit No. 8 Letter, dated September 12, 1995, from James Easton, to Shelter Resources
- Exhibit No. 9 Letter, dated May 39, 1996, from James R. Finley, Jr., to Shelter Resources
- Exhibit No. 10 Pacific Engineering Design, Inc., Addendum to Technical Information Report: Water Quality Treatment, August 26, 1997, Revised September 19, 1997
- Exhibit No. 11 SEPA file no. E95E0187
- Exhibit No. 12 Short Subdivision file no. L95S0044
- Exhibit No. 13 Alvin Keller appeal statement
- Exhibit No. 14 East Congregational Church site plan map
- Exhibit No. 15 A Pacific Engineering Design Inc., site map Eastgate Senior Housing, April 27, 1998 (Composite Utilities Plan)
- Exhibit No. 15 B Pacific Engineering Design Inc., site map Eastgate Senior Housing, April 27, 1998 (Preliminary Short Plat Map)
- Exhibit No. 15 C Pacific Engineering Design Inc., site map Eastgate Senior Housing, April 27, 1998 (Grading and Drainage Plan)
- Exhibit No. 16 Photo display prepared by Mary O'Farrell thereon
- Exhibit No. 17 4 photos taken by Anthony Keller, showing site and stream on property, taken between March 1998 and May 1998.
- Exhibit No. 18 DDES Drainage Investigation Report documenting tree, stream and erosion status of site
- Exhibit No. 19 Erosion sketch (drawn by unknown King County engineer) dated March 1977, depicting incident on property site
- Exhibit No. 20 4 photos taken by Anthony/Alvin Keller between February and June 1998, showing site
- Exhibit No. 21 : Map of neighborhood surrounding project site, with glued on photographs of area sites (OVERSIZED)
- Exhibit No. 22 Pacific Engineering Design Inc. site map, April 27, 1998, Sensitive Areas buffers

On **June 29, 1998**, the following exhibits were entered into the hearing record:

- Exhibit No. 23 Resume of Susan Perkins
- Exhibit No. 24 Letter dated June 26, 1998 from Susan Perkins to Tony Keller re: her review of hydrologic and geologic conditions
- Exhibit No. 25 Field map showing location of trees on Table 1 from Exhibit No. 24
- Exhibit No. 26 Letter from Ben Harrison -- NOT ADMITTED
- Exhibit No. 27 Photos with accompanying diagram, taken by Tony Keller on June 25, 1998
- Exhibit No. 28 Letter from Enid Keller dated June 17, 1998
- Exhibit No. 29 Photos taken by Mary O'Farrell, with map showing location of photos
- Exhibit No. 30 Observations by Geoff Clayton -- NOT ADMITTED
- Exhibit No. 31 Greg Allen's testimony on sand filters -- NOT ADMITTED

JNOC:daz:jc

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